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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,655	01/03/2002	Jianhui Li	42390P13146	6549

8791 7590 12/29/2005

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EXAMINER

CHOW, CHIH CHING

ART UNIT PAPER NUMBER

2192

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/037,655	LI ET AL.	
	Examiner	Art Unit	
	Chih-Ching Chow	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30 is/are allowed.
- 6) ☒ Claim(s) 31-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/29/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to amendment dated September 23, 2005.
2. Drawing has been corrected. NO claim has been amended.
3. Claims 1-60 remain pending.

### **Response to Amendment**

4. Applicants' amendment dated 09/23/05, responding to the 06/23/2005 Office action provided in the objection of drawings. The examiner has reviewed the updated drawing, FIG. 7A, respectfully. The set of formal drawings filed concurrently with the above-mentioned amendment is accepted by the Examiner.

### **Response to Arguments**

5. Applicant's arguments, see REMARKS pages 3-7, filed 09/23/05, with respect to the rejection(s) of claim(s) 1-60 under 35 USC § 102 and 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, not all of the claims are under allowable condition, see 35 USC § 112 rejections herein below:

### **Claim Rejections - 35 USC § 112**

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 31-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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These claims recite: “the register format including an input block format and an output block format of the source block of code, ...and detecting a block format inconsistency between the source register and a target register of a target architecture during an execution phase of a binary translation that translates the source block of code into a target block of code running in the target architecture.” However, see Specification paragraph 0017 of the current application, “An instruction format inconsistency is detected between the source register and a target register of a target architecture by comparing the output block format to the input instruction format if the output block format asserts an access status of the source register.” -- the instruction format inconsistency is detected between the Output Block format and the input instruction format (as specified in claims 1, 11, 21), not the input block format (as specified in claims 31, 41, and 51).

8. All the dependent claims 22-30, 32-40, 42-50, 52-60 are rejected under the same reason as stated above.

*Allowable Subject Matter*

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior arts of record: Abdallah, teaches a method and apparatus to convert data from one format to another wherein the data in the original format is in one architectural register and the data in the converted format is placed in another architectural register. Yates teaches a method, system and a program for a computer with an instruction processor designed to execute instructions of first and second instruction sets using flags and table entries to keep track of the execution of the instructions. However, none of them, taken alone or in combination, teaches the limitations of a method of determining a register format of a source register operated on by a source instruction in a source block of code, the register format including an input instruction format and an output block

format of the source block of code, the source block of code running in a source architecture, the source register having multiple formats and being used as an input of the source instruction, the input instruction format containing format of the source register expected by the source instruction, the output block format containing format of the source register after the source block of code is executed; and

detecting an instruction format inconsistency between the source register and a target register of a target architecture during a translation phase of a binary translation that translates the source block of code into a target block of code running in the target architecture, in such a manner as recited in each of the independent claims 1, 11, and 21.

### Conclusion

10. The following summarizes the status of the claims:

35 USC § 112 (1) rejections: Claims 31-60  
Allowable claims: 1-30

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

 **ANTONY NGUYEN-BA**  
**PRIMARY EXAMINER**

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Ching Chow

Examiner

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December 23, 2005

CC